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| Adopted | Rejected |
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## COMMITTEE REPORT

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|------|----|
| YES: | 10 |
| NO:  | 1  |

### MR. SPEAKER:

*Your Committee on* **Government and Regulatory Reform**, to which was referred Senate Bill 103, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1           Page 1, line 4, after "agency"" insert ", **except as provided in**
- 2           **section 2.1 of this chapter,"**
- 3           Page 1, line 17, delete "." and insert "**that is required by statute,**
- 4           **rule, or regulation."**
- 5           Page 3, between lines 32 and 33, begin a new paragraph and insert:
- 6           "SECTION 2. IC 5-14-1.5-2.1 IS ADDED TO THE INDIANA
- 7           CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8           [EFFECTIVE JULY 1, 2007]: **Sec. 2.1. "Public agency", for**
- 9           **purposes of this chapter, does not mean a provider of goods,**
- 10          **services, or other benefits that meets the following requirements:**
- 11               **(1) The provider receives public funds through an agreement**
- 12               **with the state or a municipality that meets the following**
- 13               **requirements:**
- 14                   **(A) The agreement provides for the payment of fees to the**
- 15                   **entity in exchange for services, goods, or other benefits.**
- 16                   **(B) The amount of fees received by the entity under the**

1           **agreement is not based upon or does not involve a**  
 2           **consideration of the tax revenues or receipts of the state or**  
 3           **municipality.**

4           **(C) The amount of the fees are negotiated by the entity and**  
 5           **the state or municipality.**

6           **(D) The state or municipality is billed for fees by the entity**  
 7           **for the services, goods, or other benefits actually provided**  
 8           **by the entity.**

9           **(2) The provider is not required by statute, rule, or regulation**  
 10          **to be audited by the state board of accounts."**

11          Page 4, line 25, after "(7)" insert "**consecutive**".

12          Page 5, delete lines 6 through 9.

13          Page 5, line 10, delete "(7)" and insert "**(6)**".

14          Page 5, line 13, delete "(8)" and insert "(7)".

15          Page 5, line 15, delete "(9) a meeting" and insert "**(8) a gathering**".

16          Page 5, line 16, delete "engage in" and insert "**receive information**  
 17          **and deliberate on**".

18          Page 5, line 17, delete "informal discussion concerning".

19          Page 5, line 20, delete "or final".

20          Page 5, between lines 22 and 23, begin a new paragraph and insert:

21          "SECTION 4. IC 5-14-1.5-6.1, AS AMENDED BY P.L.101-2006,  
 22          SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23          JULY 1, 2007]: Sec. 6.1. (a) As used in this section, "public official"  
 24          means a person:

25               (1) who is a member of a governing body of a public agency; or  
 26               (2) whose tenure and compensation are fixed by law and who  
 27               executes an oath.

28          (b) Executive sessions may be held only in the following instances:

29               (1) Where authorized by federal or state statute.

30               (2) For discussion of strategy with respect to any of the following:

31                     (A) Collective bargaining.

32                     (B) Initiation of litigation or litigation that is either pending or  
 33                     has been threatened specifically in writing.

34                     (C) The implementation of security systems.

35                     (D) The purchase or lease of real property by the governing  
 36                     body up to the time a contract or option to purchase or lease is  
 37                     executed by the parties.

38          However, all such strategy discussions must be necessary for

1 competitive or bargaining reasons and may not include  
2 competitive or bargaining adversaries.

3 (3) For discussion of the assessment, design, and implementation  
4 of school safety and security measures, plans, and systems.

5 (4) Interviews **and negotiations** with industrial or commercial  
6 prospects or agents of industrial or commercial prospects by the  
7 Indiana economic development corporation, the office of tourism  
8 development, the Indiana finance authority, ~~or an~~ economic  
9 development ~~commissions~~, **commission, a local economic**  
10 **development organization (as defined in IC 5-28-11-2(3)), or**  
11 **a governing body of a political subdivision.**

12 (5) To receive information about and interview prospective  
13 employees.

14 (6) With respect to any individual over whom the governing body  
15 has jurisdiction:

16 (A) to receive information concerning the individual's alleged  
17 misconduct; and

18 (B) to discuss, before a determination, the individual's status  
19 as an employee, a student, or an independent contractor who  
20 is:

21 (i) a physician; or

22 (ii) a school bus driver.

23 (7) For discussion of records classified as confidential by state or  
24 federal statute.

25 (8) To discuss before a placement decision an individual student's  
26 abilities, past performance, behavior, and needs.

27 (9) To discuss a job performance evaluation of individual  
28 employees. This subdivision does not apply to a discussion of the  
29 salary, compensation, or benefits of employees during a budget  
30 process.

31 (10) When considering the appointment of a public official, to do  
32 the following:

33 (A) Develop a list of prospective appointees.

34 (B) Consider applications.

35 (C) Make one (1) initial exclusion of prospective appointees  
36 from further consideration.

37 Notwithstanding IC 5-14-3-4(b)(12), a governing body may  
38 release and shall make available for inspection and copying in

accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection."

Page 7, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 7. IC 5-14-3-2, AS AMENDED BY P.L.1-2006, SECTION 101, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) The definitions set forth in this section apply throughout this chapter.

(b) "Copy" includes transcribing by handwriting, photocopying, xerography, duplicating machine, duplicating electronically stored data

1 onto a disk, tape, drum, or any other medium of electronic data storage,  
2 and reproducing by any other means.

3 (c) "Direct cost" means one hundred five percent (105%) of the sum  
4 of the cost of:

- 5 (1) the initial development of a program, if any;
  - 6 (2) the labor required to retrieve electronically stored data; and
  - 7 (3) any medium used for electronic output;
- 8 for providing a duplicate of electronically stored data onto a disk, tape,  
9 drum, or other medium of electronic data retrieval under section 8(g)  
10 of this chapter, or for reprogramming a computer system under section  
11 6(c) of this chapter.

12 (d) "Electronic map" means copyrighted data provided by a public  
13 agency from an electronic geographic information system.

14 (e) "Enhanced access" means the inspection of a public record by a  
15 person other than a governmental entity and that:

- 16 (1) is by means of an electronic device other than an electronic  
17 device provided by a public agency in the office of the public  
18 agency; or
- 19 (2) requires the compilation or creation of a list or report that does  
20 not result in the permanent electronic storage of the information.

21 (f) "Facsimile machine" means a machine that electronically  
22 transmits exact images through connection with a telephone network.

23 (g) "Inspect" includes the right to do the following:

- 24 (1) Manually transcribe and make notes, abstracts, or memoranda.
- 25 (2) In the case of tape recordings or other aural public records, to  
26 listen and manually transcribe or duplicate, or make notes,  
27 abstracts, or other memoranda from them.
- 28 (3) In the case of public records available:
  - 29 (A) by enhanced access under section 3.5 of this chapter; or
  - 30 (B) to a governmental entity under section 3(c)(2) of this  
31 chapter;

32 to examine and copy the public records by use of an electronic  
33 device.

- 34 (4) In the case of electronically stored data, to manually transcribe  
35 and make notes, abstracts, or memoranda or to duplicate the data  
36 onto a disk, tape, drum, or any other medium of electronic  
37 storage.

38 (h) "Investigatory record" means information compiled in the course

1 of the investigation of a crime.

2 (i) "Patient" has the meaning set out in IC 16-18-2-272(d).

3 (j) "Person" means an individual, a corporation, a limited liability  
4 company, a partnership, an unincorporated association, or a  
5 governmental entity.

6 (k) "Provider" has the meaning set out in ~~IC 16-18-2-295(a)~~  
7 **IC 16-18-2-295(b)** and includes employees of the state department of  
8 health or local boards of health who create patient records at the  
9 request of another provider or who are social workers and create  
10 records concerning the family background of children who may need  
11 assistance.

12 (l) "Public agency", **except as provided in section 2.1 of this**  
13 **chapter**, means the following:

14 (1) Any board, commission, department, division, bureau,  
15 committee, agency, office, instrumentality, or authority, by  
16 whatever name designated, exercising any part of the executive,  
17 administrative, judicial, or legislative power of the state.

18 (2) Any:

19 (A) county, township, school corporation, city, or town, or any  
20 board, commission, department, division, bureau, committee,  
21 office, instrumentality, or authority of any county, township,  
22 school corporation, city, or town;

23 (B) political subdivision (as defined by IC 36-1-2-13); or

24 (C) other entity, or any office thereof, by whatever name  
25 designated, exercising in a limited geographical area the  
26 executive, administrative, judicial, or legislative power of the  
27 state or a delegated local governmental power.

28 (3) Any entity or office that is subject to:

29 (A) budget review by either the department of local  
30 government finance or the governing body of a county, city,  
31 town, township, or school corporation; or

32 (B) an audit by the state board of accounts **that is required by**  
33 **statute, rule, or regulation.**

34 (4) Any building corporation of a political subdivision that issues  
35 bonds for the purpose of constructing public facilities.

36 (5) Any advisory commission, committee, or body created by  
37 statute, ordinance, or executive order to advise the governing  
38 body of a public agency, except medical staffs or the committees

- 1 of any such staff.
- 2 (6) Any law enforcement agency, which means an agency or a  
 3 department of any level of government that engages in the  
 4 investigation, apprehension, arrest, or prosecution of alleged  
 5 criminal offenders, such as the state police department, the police  
 6 or sheriff's department of a political subdivision, prosecuting  
 7 attorneys, members of the excise police division of the alcohol  
 8 and tobacco commission, conservation officers of the department  
 9 of natural resources, gaming agents of the Indiana gaming  
 10 commission, and the security division of the state lottery  
 11 commission.
- 12 (7) Any license branch staffed by employees of the bureau of  
 13 motor vehicles commission under IC 9-16.
- 14 (8) The state lottery commission established by IC 4-30-3-1,  
 15 including any department, division, or office of the commission.
- 16 (9) The Indiana gaming commission established under IC 4-33,  
 17 including any department, division, or office of the commission.
- 18 (10) The Indiana horse racing commission established by IC 4-31,  
 19 including any department, division, or office of the commission.
- 20 (m) "Public record" means any writing, paper, report, study, map,  
 21 photograph, book, card, tape recording, or other material that is  
 22 created, received, retained, maintained, or filed by or with a public  
 23 agency and which is generated on paper, paper substitutes,  
 24 photographic media, chemically based media, magnetic or machine  
 25 readable media, electronically stored data, or any other material,  
 26 regardless of form or characteristics.
- 27 (n) "Standard-sized documents" includes all documents that can be  
 28 mechanically reproduced (without mechanical reduction) on paper  
 29 sized eight and one-half (8 1/2) inches by eleven (11) inches or eight  
 30 and one-half (8 1/2) inches by fourteen (14) inches.
- 31 (o) "Trade secret" has the meaning set forth in IC 24-2-3-2.
- 32 (p) "Work product of an attorney" means information compiled by  
 33 an attorney in reasonable anticipation of litigation. The term includes  
 34 the attorney's:
- 35 (1) notes and statements taken during interviews of prospective  
 36 witnesses; and
- 37 (2) legal research or records, correspondence, reports, or  
 38 memoranda to the extent that each contains the attorney's

1 opinions, theories, or conclusions.

2 This definition does not restrict the application of any exception under  
3 section 4 of this chapter.

4 SECTION 8. IC 5-14-3-2.1 IS ADDED TO THE INDIANA CODE  
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
6 1, 2007]: **Sec. 2.1. "Public agency", for purposes of this chapter,**  
7 **does not mean a provider of goods, services, or other benefits that**  
8 **meets the following requirements:**

9 **(1) The provider receives public funds through an agreement**  
10 **with the state or a municipality that meets the following**  
11 **requirements:**

12 **(A) The agreement provides for the payment of fees to the**  
13 **entity in exchange for services, goods, or other benefits.**

14 **(B) The amount of fees received by the entity under the**  
15 **agreement is not based upon or does not involve a**  
16 **consideration of the tax revenues or receipts of the state or**  
17 **municipality.**

18 **(C) The amount of the fees are negotiated by the entity and**  
19 **the state or municipality.**

20 **(D) The state or municipality is billed for fees by the entity**  
21 **for the services, goods, or other benefits actually provided**  
22 **by the entity.**

23 **(2) The provider is not required by statute, rule, or regulation**  
24 **to be audited by the state board of accounts.**

25 SECTION 9. IC 5-14-3-4, AS AMENDED BY P.L.101-2006,  
26 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2007]: Sec. 4. (a) The following public records are excepted  
28 from section 3 of this chapter and may not be disclosed by a public  
29 agency, unless access to the records is specifically required by a state  
30 or federal statute or is ordered by a court under the rules of discovery:

31 (1) Those declared confidential by state statute.

32 (2) Those declared confidential by rule adopted by a public  
33 agency under specific authority to classify public records as  
34 confidential granted to the public agency by statute.

35 (3) Those required to be kept confidential by federal law.

36 (4) Records containing trade secrets.

37 (5) Confidential financial information obtained, upon request,  
38 from a person. However, this does not include information that is



1 filed with or received by a public agency pursuant to state statute.

2 (6) Information concerning research, including actual research  
3 documents, conducted under the auspices of an institution of  
4 higher education, including information:

5 (A) concerning any negotiations made with respect to the  
6 research; and

7 (B) received from another party involved in the research.

8 (7) Grade transcripts and license examination scores obtained as  
9 part of a licensure process.

10 (8) Those declared confidential by or under rules adopted by the  
11 supreme court of Indiana.

12 (9) Patient medical records and charts created by a provider,  
13 unless the patient gives written consent under IC 16-39.

14 (10) Application information declared confidential by the board  
15 of the Indiana economic development corporation under  
16 IC 5-28-16.

17 (11) A photograph, a video recording, or an audio recording of an  
18 autopsy, except as provided in IC 36-2-14-10.

19 (12) A Social Security number contained in the records of a  
20 public agency.

21 (b) Except as otherwise provided by subsection (a), the following  
22 public records shall be excepted from section 3 of this chapter at the  
23 discretion of a public agency:

24 (1) Investigatory records of law enforcement agencies. However,  
25 certain law enforcement records must be made available for  
26 inspection and copying as provided in section 5 of this chapter.

27 (2) The work product of an attorney representing, pursuant to  
28 state employment or an appointment by a public agency:

29 (A) a public agency;

30 (B) the state; or

31 (C) an individual.

32 (3) Test questions, scoring keys, and other examination data used  
33 in administering a licensing examination, examination for  
34 employment, or academic examination before the examination is  
35 given or if it is to be given again.

36 (4) Scores of tests if the person is identified by name and has not  
37 consented to the release of the person's scores.

38 (5) The following:

(A) Records relating to negotiations between the Indiana economic development corporation, the Indiana finance authority, ~~or an economic development commissions,~~ **commission, a local economic development organization (as defined in IC 5-28-11-2(3)), or a governing body of a political subdivision** with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the Indiana finance authority, ~~or an economic development commissions~~ **commission, or a governing body of a political subdivision** to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being

- 1           suspended, demoted, or discharged.
- 2           However, all personnel file information shall be made available
- 3           to the affected employee or the employee's representative. This
- 4           subdivision does not apply to disclosure of personnel information
- 5           generally on all employees or for groups of employees without the
- 6           request being particularized by employee name.
- 7           (9) Minutes or records of hospital medical staff meetings.
- 8           (10) Administrative or technical information that would
- 9           jeopardize a record keeping or security system.
- 10          (11) Computer programs, computer codes, computer filing
- 11          systems, and other software that are owned by the public agency
- 12          or entrusted to it and portions of electronic maps entrusted to a
- 13          public agency by a utility.
- 14          (12) Records specifically prepared for discussion or developed
- 15          during discussion in an executive session under IC 5-14-1.5-6.1.
- 16          However, this subdivision does not apply to that information
- 17          required to be available for inspection and copying under
- 18          subdivision (8).
- 19          (13) The work product of the legislative services agency under
- 20          personnel rules approved by the legislative council.
- 21          (14) The work product of individual members and the partisan
- 22          staffs of the general assembly.
- 23          (15) The identity of a donor of a gift made to a public agency if:
- 24                (A) the donor requires nondisclosure of the donor's identity as
- 25                a condition of making the gift; or
- 26                (B) after the gift is made, the donor or a member of the donor's
- 27                family requests nondisclosure.
- 28          (16) Library or archival records:
- 29                (A) which can be used to identify any library patron; or
- 30                (B) deposited with or acquired by a library upon a condition
- 31                that the records be disclosed only:
- 32                   (i) to qualified researchers;
- 33                   (ii) after the passing of a period of years that is specified in
- 34                   the documents under which the deposit or acquisition is
- 35                   made; or
- 36                   (iii) after the death of persons specified at the time of the
- 37                   acquisition or deposit.
- 38          However, nothing in this subdivision shall limit or affect contracts

1 entered into by the Indiana state library pursuant to IC 4-1-6-8.

2 (17) The identity of any person who contacts the bureau of motor  
3 vehicles concerning the ability of a driver to operate a motor  
4 vehicle safely and the medical records and evaluations made by  
5 the bureau of motor vehicles staff or members of the driver  
6 licensing medical advisory board regarding the ability of a driver  
7 to operate a motor vehicle safely. However, upon written request  
8 to the commissioner of the bureau of motor vehicles, the driver  
9 must be given copies of the driver's medical records and  
10 evaluations.

11 (18) School safety and security measures, plans, and systems,  
12 including emergency preparedness plans developed under 511  
13 IAC 6.1-2-2.5.

14 (19) A record or a part of a record, the public disclosure of which  
15 would have a reasonable likelihood of threatening public safety  
16 by exposing a vulnerability to terrorist attack. A record described  
17 under this subdivision includes:

18 (A) a record assembled, prepared, or maintained to prevent,  
19 mitigate, or respond to an act of terrorism under IC 35-47-12-1  
20 or an act of agricultural terrorism under IC 35-47-12-2;

21 (B) vulnerability assessments;

22 (C) risk planning documents;

23 (D) needs assessments;

24 (E) threat assessments;

25 (F) intelligence assessments;

26 (G) domestic preparedness strategies;

27 (H) the location of community drinking water wells and  
28 surface water intakes;

29 (I) the emergency contact information of emergency  
30 responders and volunteers;

31 (J) infrastructure records that disclose the configuration of  
32 critical systems such as communication, electrical, ventilation,  
33 water, and wastewater systems; and

34 (K) detailed drawings or specifications of structural elements,  
35 floor plans, and operating, utility, or security systems, whether  
36 in paper or electronic form, of any building or facility located  
37 on an airport (as defined in IC 8-21-1-1) that is owned,  
38 occupied, leased, or maintained by a public agency. A record

described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies, leases, or maintains the airport:

(i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and

(ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

(A) Telephone number.

(B) Address.

(C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

(A) Telephone number.

(B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be

1 made available for inspection and copying seventy-five (75) years after  
2 the creation of that record.

3 (e) Notwithstanding subsection (d) and section 7 of this chapter:

4 (1) public records subject to IC 5-15 may be destroyed only in  
5 accordance with record retention schedules under IC 5-15; or

6 (2) public records not subject to IC 5-15 may be destroyed in the  
7 ordinary course of business."

8 Page 8, delete lines 13 through 42.

9 Page 9, delete lines 1 through 2.

10 Page 9, line 3, delete "IC 20-12-61-5.5" and insert "IC 21-22-3-5".

11 Page 9, line 5, delete "5.5." and insert "5."

12 Page 9, line 27, delete "IC 23-13-18-28" and insert "IC 21-25-3-8".

13 Page 9, line 29, delete "28." and insert "8."

14 Page 10, between lines 7 and 8, begin a new paragraph and insert:

15 "SECTION 13. IC 21-27-2-2 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2007]: **Sec. 2. (a) This section applies to a meeting of the board  
18 of trustees or a committee of the board of trustees of any state  
19 educational institution (as defined in IC 21-7-13-32).**

20 **(b) A member of the board of trustees may participate in a  
21 meeting of the board at which at least a quorum is physically  
22 present at the place where the meeting is conducted by using a  
23 means of communication that permits:**

24 **(1) all other members participating in the meeting; and**

25 **(2) all members of the public physically present at the place  
26 where the meeting is conducted;**

27 **to simultaneously communicate with each other during the  
28 meeting.**

29 **(c) A member of a committee of the board of trustees may  
30 participate in a committee meeting by using a means of  
31 communication that permits:**

32 **(1) all other members participating in the meeting; and**

33 **(2) all members of the public physically present at the place  
34 where the meeting is conducted;**

35 **to simultaneously communicate with each other during the  
36 meeting.**

37 **(d) A member who participates in a meeting under subsection  
38 (b) or (c) is considered to be present at the meeting.**

- 1           (e) The memoranda of the meeting prepared under
- 2       **IC 5-14-1.5-4 must state the name of:**
- 3           (1) each member who was physically present at the place
- 4           where the meeting was conducted;
- 5           (2) each member who participated in the meeting by using a
- 6           means of communication described in subsection (b) or (c);
- 7           and
- 8           (3) each member who was absent."
- 9       Page 10, line 15, after "commission" insert "**at which at least a**
- 10       **quorum is physically present at the place where the meeting is**
- 11       **conducted".**
- 12       Renumber all SECTIONS consecutively.
- (Reference is to SB 103 as reprinted February 26, 2007.)

**and when so amended that said bill do pass.**

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Representative Stevenson